

## Remarks

### The Section 102(b) Rejection of Claims 13, 14, 17-20, and 31

The Examiner rejected Claims 13, 14, 17-20, and 31 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,537,247 (Xiao). Applicant respectfully traverses this rejection and requests reconsideration.

Claim 13 recites, "means for detection of a spectral range of said split spectrally fanned out beam." As taught by the specification of the present invention, this element comprises detection means operatively arranged to detect light of a specific range of wavelengths based on the range of angles of incidence with respect to the dispersion means. The dispersion means spread the light incident thereon into a "fan" with each wavelength exiting at a different angle. This "spectral fanning out" is shown in Figures 1-5. Each wavelength leaves the dispersion means 10 at a different angle, allowing specific ranges of wavelengths to be detected by placing a detector at the appropriate position to receive the desired range.

The Examiner has cited Xiao as teaching dispersion means for spectrally fanning out a beam. The Applicant respectfully disagrees with the Examiner's characterization of Xiao. There is no teaching that scanner 60, or any other component in the device disclosed by Xiao, acts to fan out the incoming beam based on the wavelength of the incoming light. Figure 6 shows a beam 84 comprising multiple wavelengths incident on beam splitters 42 and 43. "Thus, when portions of object 70 are coated or injected with one or more fluorescent material, incident light from image reflector plates 62 and 63 traveling toward object 70 may have wavelength of 488 nm, but the return fluorescent light from the object 70 may have a wavelength of, for example, 520-560 nm. If different fluorescent materials were used on the same object 70, the returning fluorescent light will possess the wavelengths for each of the fluorescent materials." Column 6,

lines 10-18. Thus, the entire spectrum contained in beam 82 travels along the same path throughout the apparatus. There is no teaching that this incident beam is "spectrally fanned out," as in the present invention. Dichroic mirror 42 acts to divide the incident beam into two beams of different spectral composition. Column 8, lines 21-22. The device in Xiao then uses filters 45 and 46 to control the range of wavelengths that are incident on detectors 21 and 22. Column 8, lines 27-34. In one embodiment, filter 45 only allows light with wavelengths in the range of 520-560 nm to pass. Filter 46 only allows light with wavelengths above 580 nm to pass. Column 5, lines 51-53. This allows detectors 21 and 22 to detect light from a limited range of wavelengths. Column 8, lines 33-34. This is very different from the present invention. The filters 45 and 46 would not be necessary in the device disclosed by Xiao if the beam were spectrally fanned out. (Filters analogous to filters 45 and 46 are not used in the present invention.) Detectors 21 and 22 could be arranged to receive light contained in a range of angles of the incoming beam, as shown in Figure 3 of the present invention. Xiao needs the dichroic mirrors and filters to divide the incident beam into ranges of wavelengths, because beam 84 comprises multiple wavelengths, all incident at the same angle. If detectors 21 and 22 were arranged as in the present invention to receive all light from within a range of angles of the incoming beam 84 (Figure 6), detectors 21 and 22 would receive light from the entire range of wavelengths within beam 84. Thus, the element "means for detection of a spectral range of said split spectrally fanned out beam" is not taught by Xiao.

Claim 31 recites, "at least one detector operatively arranged to detect a range of said spectrally fanned out beam on a detection line in said dispersion plane." As stated above, Xiao does not teach any dispersion of the detected light. Further, Xiao does not teach detection means

operatively arranged to detect a range of said spectrally fanned out beam on a detection line in said dispersion plane, as disclosed by the present specification.

Since the cited reference does not teach each and every element of either Claim 13 or 31, Claims 13 and 31 are not anticipated by the cited reference.

Claims 14 and 17-20 depend from Claim 13. Since Claim 13 is not anticipated by Xiao, Claims 14 and 17-20 are not anticipated by Xiao.

#### The Section 103(a) Rejection of Claims 15 and 16

The Examiner rejected Claims 15 and 16 under 35 U.S.C. §103(a) as being obvious in light of U.S. Patent No. 5,537,247 (Xiao) in view of applicant's admission that a triangular passageway is an obvious variant of a rectangular passageway or in view of United States Patent No. 5,973,316 (Ebbesen et al.). Applicant respectfully traverses the rejection.

Claims 15 and 16 depend from amended Claim 13. Since Claim 13 is patentable, Claims 15 and 16 are also patentable.

In view of these differences between the invention as claimed and the art cited by the Examiner, reconsideration of the rejection is respectfully requested.

#### The Objections to the Drawings

The Examiner objected to Figure 1 for lacking the label "PRIOR ART." Enclosed please find amended Figure 1 including the label "PRIOR ART." Withdrawal of the objection is respectfully requested.

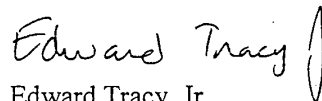
The Examiner objected to the drawings under 37 C.F.R. §1.83(a) as failing to show every feature specified in the claims. Two possible embodiments of a confocal microscope specified in the claims are illustrated in Figures 4 and 5.

The Examiner requested further information of the traditional arrangement shown in Figure 1. Enclosed please find information regarding this optical arrangement.

Conclusion

For all of the reasons outlined above, Applicant respectfully submits that all pending claims are patentable over the cited art and in condition for allowance, which action is courteously requested.

Respectfully submitted,



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